

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI**

**YOLANDRA D. SMITH,**

**Plaintiff,**

**v.**

**FOUNDATION CARE LLC,**

**Defendant.**

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**Case No. 4:16-CV-01224-JCH**

**DEFENDANT’S MOTION FOR EXTENSION OF TIME TO ANSWER  
OR OTHERWISE PLEAD**

COMES NOW Foundation Care LLC (hereinafter “Defendant” or “Foundation Care”), by and through its counsel, Constangy, Brooks, Smith & Prophete, LLP, pursuant to Federal Rule of Civil Procedure 6(b), and moves the Court for an extension of time up and to September 20, 2016, to answer or otherwise plead to Plaintiff’s Complaint, without waiver of any defense. In support of its Motion, Defendant states as follows:

1. Plaintiff’s Complaint [Doc. 1] was filed on July 26, 2016.
2. Defendant was served on or about August 9, 2016. The current deadline for Defendant to file a responsive pleading is August 30, 2016. [Doc. 4]
3. Defendant is currently investigating the allegations contained in Plaintiff’s Complaint so that it may fully and accurately respond to Plaintiff’s Complaint.<sup>1</sup>
4. Defendant has not requested any prior extensions of case deadlines in this action.
5. This Motion is not made for the purpose of delaying the adjudication of this case or for any other improper purpose, but is made in good faith. Plaintiff will suffer no prejudice if

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<sup>1</sup> Defense counsel was involved in a lengthy jury trial in August, which unavoidably delayed said investigation.

the Court grants this Motion. Defendant, however, will be prejudiced if it does not have sufficient time to investigate and fully and accurately respond to Plaintiff's Complaint.

6. The undersigned counsel attempted to confer with counsel for Plaintiff on August 26, 2016, via telephone and email to obtain his consent to this Motion, but counsel has not yet replied.

WHEREFORE, Defendant respectfully requests that the Court grant an extension of time up to and including September 20, 2016, to answer or otherwise plead to Plaintiff's Complaint, and for such other relief as the Court deems just and proper.

Respectfully submitted this 29th day of August, 2016.

CONSTANGY, BROOKS, SMITH & PROPHETE, LLP

/s/Susan Bassford Wilson

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Attorney for Defendant Foundation Care LLC

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this the 29th day of August, 2016, the foregoing was electronically filed with the Clerk of Court using the CM/ECF system, which will automatically send email notification of such filing to the following attorney of record:

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Attorney for Plaintiff

/s/ Susan Bassford Wilson  
Attorney for Defendant